



U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

NOV 14 2018

OFFICE OF RESEARCH AND DEVELOPMENT

Mr. John R. Thomas
Gentry Locke Attorneys
10 Franklin Street SE
Roanoke, VA 24022

RE: Freedom of Information Act Request: EPA-HQ-2018-009909; Second Interim Release

Dear Mr. Thomas,

This letter concerns the above-referenced FOIA request based off the July 3, 2018 subpoena delivered to Jennifer Orme-Zavaleta and Matthew Z. Leopold, in which you requested documents relating to Duke University and Grant RD83329301, as follows:

1. Summary statements and certain grant review documents for the specific grant application listed in the Subpoena.
2. Federal Financial Reports, draw-down requests, and payment requests submitted by Duke for the "Affected Grant" - RD83329301
3. Documents showing payments of grant funds to Duke for the Affected Grant.
4. Documents after March 1, 2013 relating to communications between Duke principal investigators and EPA program officers relating to any disclosure that Duke had reported actually or potentially false research results in the grant application and progress reports relating to the Affected Grant, as listed in the Subpoena.
5. Documents after March 1, 2013 relating to any action by EPA program officers relating to any such disclosures.
6. Documents after March 1, 2013 relating to refund of grant funds by Duke relating to the Affected Grant and any actions by the EPA relating to such refunds.

The Agency is now releasing records in response to your request. Please note that this is an interim response, and the EPA continues to work on your request. With this interim release, EPA is releasing the records in response to bullets 4 and 5 of your request. The first interim release responded to bullets 2, 3 and 6 of your request.

We are awaiting clarification for bullet 1. The request for clarification was sent via e-mail to your firm on August 22, 2018 and again on October 30, 2018. This bullet will be closed if the Agency does not receive a clarification response by November 15, 2018.

Again, your request is not being closed at this time. When your request is closed, you will receive information concerning your appeal rights for any part of EPA's response. If you have any questions about this interim production or your request generally, please contact Rebecca Clausen at clausen.rebecca@epa.gov or by phone at 919-541-3002. Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. Last, you may also seek

assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8610 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 6846448; or fax: (202) 741-5769.

If you have any questions in regard to this release, contact Rebecca Clausen, 919-541-3002, clausen.rebecca@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stefan Silzer', with a stylized flourish at the end.

Stefan Silzer
Director, Office of Program Accountability
and Resource Management

Enclosures